

Practitioner's Docket No. IR3-023

#19 reg for refund
3/2/04
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Jere F. Irwin

Application No.: 09/866,088 Group No.: 3727
Filed: May 25, 2001 Examiner: Stephen J. CastellanoCommissioner for Patents and Trademarks
Washington, D.C. 20231

ATTENTION: Refund Section, Accounting Division, Office of Finance

REQUEST FOR REFUND
(IMPROPER CHARGE OF DEPOSIT ACCOUNT)

I. RETURN OF REFUND REQUEST

This is a request for a refund, with respect to the debit to Deposit Account 23-0925, shown on the statement dated October 30, 2003 for the above-identified application.

A copy of the monthly statement, in which the error referred to occurs, accompanies this request. A copy of the Fee Transmittal, Remarks section, page 18-22 of Supplemental Amendment Response filed on 10/9/03, accompanies this request.

CERTIFICATE OF MAILING/TRANSMISSION (37 C.F.R. 1.8(a))

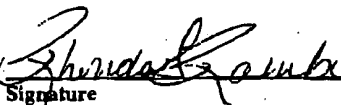
I hereby certify that, on the date shown below, this correspondence is being:

MAILING

- ☐ deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the Commissioner for Patents and Trademarks, Washington, D.C. 20231.

FACSIMILE

- ☒ transmitted by facsimile to the Patent and Trademark Office. 703-308-6778


Signature

Rhonda G. Rambo

(type or print name of person certifying)

Date: 2/1 Feb. 2004

10 total pages

(Request for Debit (Improper Credit of Deposit Account)—page 1 of 2)

II. FEES CHARGED FOR WHICH REFUND IS REQUESTED

	AMOUNT OF REFUND REQUESTED
10/30/03 Improper charge for Claims excess of 20 (sm entity)	\$27.00
10/30/03 Improper charge for Claims excess of 20 (sm entity)	\$54.00
TOTAL REFUND REQUESTED	\$81.00

III. EXPLANATION OF WHY CONTESTED CHARGE IS IN ERROR

On October 9, 2003 we submitted by facsimile a Supplemental Amendment Further to Examiner Interview on October 2, 2003. According to our calculations regarding Claims in Excess of 20, we should have been charged on our PTO Deposit Account (23-0925) for two (2) Claims in excess of 20, for a total amount of \$18.00 not \$81.00. Please refund our PTO Deposit Account for the total amount of \$81.00.

Please debit our PTO Deposit Account for the amount of \$18.00; two (2) Claims Excess of 20 as filed on October 9, 2003.

IV. MANNER OF REFUND

Please Credit Account No. 23-0925 for the total amount of \$81.00
Please Debit Account No. 23-0925 to the total amount of \$18.00

Date: February 24, 2004

K. Satheesh K.
Satheesh K. Karra
Reg. No. 40,246
Wells St. John P.S.
601 West First Ave., Suite 1300
Spokane, WA 99201-3828
Tel. No.: (509) 624-4276
Customer No.: 021567

(Request for Debit (Improper Credit of Deposit Account)—page 2 of 2)

10/17 150	10683207	M122-2234	1202	\$10.00	\$14,396.00
10/17 490	10416824	H0001862 (H057-399)	1613	\$800.00	\$13,598.00
10/20 1	09866088	IR3-023	2252	\$210.00	\$13,386.00
10/20 335	78315341	MA85-102	7001	\$670.00	\$12,716.00
10/20 357	78315364	MA85-101	7001	\$335.00	\$12,381.00
10/21 388	09990707	EC2-015	8001	\$15.00	\$12,366.00
10/21 416	76370809	GO37-101	7004	\$150.00	\$12,216.00
10/22 32	6498378	M122-1556	1811	-\$100.00	\$12,316.00
10/23 23	10688828		9204	-\$22.00	\$12,338.00
10/23 122	10688230	PC3-056	1201	\$2.00	\$12,336.00
10/23 246		VA16007	8014	\$25.00	\$12,311.00
10/23 929	2195845	PO4-199	7205	\$100.00	\$12,211.00
10/23 930	2195845	PO4-199	7208	\$200.00	\$12,011.00
10/24 33	09570365	MI40-293	1202	\$9.00	\$12,002.00
10/24 49	10689958	MI22-2417	1202	\$612.00	\$11,390.00
10/24 179	09428125	MI22-1299	1806	\$180.00	\$11,210.00
10/24 318	78317869	PO4-1224	7001	\$335.00	\$10,875.00
10/24 370	78317912	PO4-1225	7001	\$335.00	\$10,540.00
10/24 389	76106529	PO4-1139	7004	\$150.00	\$10,390.00
10/24 444	76106530	PO4-1140	7004	\$150.00	\$10,240.00
10/24 741	76174600	PO4-1146	7004	\$150.00	\$10,090.00
10/24 811	76229939	PO4-1150	7004	\$150.00	\$9,940.00
10/27 5	10033599	AV1-062	1201	\$420.00	\$9,520.00
10/27 9	10346869	MI22-2225	1814	\$110.00	\$9,410.00
10/27 175	76268996	PO4-1153	7004	\$150.00	\$9,260.00
10/27 212	76423513	PO4-1183	7004	\$150.00	\$9,110.00
10/27 874	1802621	IT2-104	7205	\$100.00	\$9,010.00
10/27 875	1802621	IT2-104	7201	\$400.00	\$8,610.00
10/28 1	PCT/US03/30783	H0004362-PCT	8007	\$20.00	\$8,590.00
10/28 8	PAYMENT		9203	-\$8,000.00	\$14,590.00
10/28 58	10691758		9204	-\$180.00	\$14,770.00
10/28 286	6603391	M140-177	1811	\$100.00	\$14,670.00
10/28 295	10475251	H0002507 (4015)	1614	\$100.00	\$14,570.00
10/29 1	09172096		1202	\$216.00	\$14,354.00
10/29 14	10300175	MI22-2186	1202	\$36.00	\$14,318.00
10/29 15	10300175	MI22-2186	1201	\$84.00	\$14,234.00
10/29 41	09695814	H0001468	1201	-\$336.00	\$14,570.00
10/29 42	08846671	11675.114	1251	-\$110.00	\$14,680.00
10/30 1	10165569	H0001173-CON	1814	\$110.00	\$14,570.00
10/30 1	09866088	IR3-023	2201	\$43.00	\$14,527.00
10/30 2	09866088	IR3-023	2202	\$27.00	\$14,500.00
10/30 3	09866088	IR3-023	2202	\$54.00	\$14,446.00
10/30 4	09866088	IR3-023	2201	\$86.00	\$14,360.00
10/31 10	09866088	IR3-023	2252	-\$210.00	\$14,570.00
10/31 117	10695959	MI22-2400	1201	\$2.00	\$14,568.00

START
BALANCE
\$12,538.00

SUM OF
CHARGES
\$11,810.00

SUM OF
REPLENISH
\$13,840.00

END
BALANCE
\$14,568.00



**United States
Patent and
Trademark Office**

Return To:

USPTO
Home
Page

Finance
Home
Page

Deposit Account Statement

Requested Statement Month:	October 2003
Deposit Account Number:	230925
Name:	WELLS ST JOHN PS
Attention:	RHONDA RAMBO
Address:	601 WEST FIRST AVENUE SUITE 1300
City:	SPOKANE
State:	WA
Zip:	99201-3817

DATE	SEQ	POSTING REF TXT	ATTORNEY DOCKET NBR	FEE CODE	AMT	BAL
10/02	25	09888214	LO25-003	1202	-\$72.00	\$12,610.00
10/02	96	10672816	MI22-2398	1202	\$180.00	\$12,430.00
10/03	15	6500744	MI22-1197	1811	-\$100.00	\$12,530.00
10/03	23	10340126		9204	-\$180.00	\$12,710.00
10/03	41	09695814	H0001468	1201	\$336.00	\$12,374.00
10/03	42	09172096		9204	-\$20.00	\$12,394.00
10/03	952	2135589	TW3-106	7205	\$100.00	\$12,294.00
10/03	953	2135589	TW3-106	7208	\$200.00	\$12,094.00
10/06	282	2121120	CU15-101	7205	\$100.00	\$11,994.00
10/06	283	2121120	CU15-101	7208	\$200.00	\$11,794.00
10/06	336	09880580		9204	-\$30.00	\$11,824.00
10/07	19	09148723	MI22-981	1806	-\$180.00	\$12,004.00
10/08	4	6500709	MI22-1584	1811	-\$100.00	\$12,104.00
10/08	5	09967754	ZA1-007	2801	\$385.00	\$11,719.00
10/08	551	78310625	WO28-110	7001	\$335.00	\$11,384.00
10/09	2	09881299	MI22-1747	1801	\$750.00	\$10,634.00
10/09	38	SUBSCRIPTION		8001	\$3.00	\$10,631.00
10/09	43	PCT/US03/30731	H0003933-PCT	1602	\$250.00	\$10,381.00
10/09	426	76095115	CO75-102	7004	\$150.00	\$10,231.00
10/09	433	76095113	CO75-101	7004	\$150.00	\$10,081.00
10/10	92	10102199	NO35-001	8001	\$15.00	\$10,066.00
10/14	1886	78313283	BE58-102	7001	\$335.00	\$9,731.00
10/15	1	09653156	MI22-1518	1801	\$770.00	\$8,961.00
10/15	2	09686714	IR3-012	2201	\$42.00	\$8,919.00
10/15	36	SUBSCRIPTION		8001	\$3.00	\$8,916.00
10/15	599	78313654	MA91-101	7001	\$335.00	\$8,581.00
10/15	603	78313657	MA91-102	7001	\$335.00	\$8,246.00
10/16	27	PAYMENT		9203	-\$8,000.00	\$14,246.00
10/16	384	10071843		8021	\$40.00	\$14,206.00
10/17	23	6383848		1811	-\$100.00	\$14,306.00
10/17	26	6482691	MI22-1345	1811	-\$100.00	\$14,406.00

PTO/SB/17 (10-03)

Approved for use through 07/31/2006, OMB 0651-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**FEE TRANSMITTAL
for FY 2004**

Effective 10/01/2003. Patent fees are subject to annual revision.

☒ Applicant claims small entity status. See 37 CFR 1.27TOTAL AMOUNT OF PAYMENT (\$)**147.00****Complete if Known**

Application Number	09/866,088
Filing Date	May 25, 2001
First Named Inventor	Jere F. Irwin
Examiner Name	Stephen J. Castellano
Art Unit	3727
Attorney Docket No.	IR3-023

METHOD OF PAYMENT (check all that apply)☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None☒ Deposit Account:Deposit
Account
Number
Deposit
Account
Name

23-0925

Wells St. John P.S.

The Director is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments☐ Charge any additional fee(s) or any underpayment of fee(s)☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.**FEE CALCULATION****1. BASIC FILING FEE**

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1001 770	2001 385	Utility filing fee	
1002 340	2002 170	Design filing fee	
1003 530	2003 265	Plant filing fee	
1004 770	2004 385	Reissue filing fee	
1005 160	2005 80	Provisional filing fee	

SUBTOTAL (1) (\$)

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	Extra Claims	Fee from below	Fee Paid
29	27	2	18.00
8	5	3	129.00

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1202 18	2202 9	Claims in excess of 20	
1201 86	2201 43	Independent claims in excess of 3	
1203 290	2203 145	Multiple dependent claim, if not paid	
1204 86	2204 43	** Reissue independent claims over original patent	
1205 18	2205 9	** Reissue claims in excess of 20 and over original patent	

SUBTOTAL (2) (\$)**147.00**

**or number previously paid, if greater. For Reissues, see above

FEE CALCULATION (continued)**3. ADDITIONAL FEES**

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1051 130	2051 65	Surcharge - late filing fee or oath	
1052 50	2052 25	Surcharge - late provisional filing fee or cover sheet	
1053 130	2053 130	Non-English specification	
1812 2,520	1812 2,520	For filing a request for <i>ex parte</i> reexamination	
1804 920*	1804 920*	Requesting publication of SIR prior to Examiner action	
1805 1,840*	1805 1,840*	Requesting publication of SIR after Examiner action	
1251 110	2251 55	Extension for reply within first month	
1252 420	2252 210	Extension for reply within second month	
1253 950	2253 475	Extension for reply within third month	
1254 1,480	2254 740	Extension for reply within fourth month	
1255 2,010	2255 1,005	Extension for reply within fifth month	
1401 330	2401 165	Notice of Appeal	
1402 330	2402 165	Filing a brief in support of an appeal	
1403 290	2403 145	Request for oral hearing	
1451 1,510	1451 1,510	Petition to institute a public use proceeding	
1452 110	2452 55	Petition to revive - unavoidable	
1453 1,330	2453 665	Petition to revive - unintentional	
1501 1,330	2501 665	Utility issue fee (or reissue)	
1502 460	2502 240	Design issue fee	
1503 640	2503 320	Plant issue fee	
1460 130	1460 130	Petitions to the Commissioner	
1807 50	1807 50	Processing fee under 37 CFR 1.17(c)	
1808 180	1808 180	Submission of Information Disclosure Stmt	
8021 40	8021 40	Recording each patent assignment per property (times number of properties)	
1809 770	2809 385	Filing a submission after final rejection (37 CFR 1.129(a))	
1810 770	2810 385	For each additional invention to be examined (37 CFR 1.129(b))	
1801 770	2801 385	Request for Continued Examination (RCE)	
1802 900	1802 900	Request for expedited examination of a design application	

Other fee (specify)

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$)**0****SUBMITTED BY**

Name (Print/Type)	Satheesh K. Karra	Registration No. (Attorney/Agent)	40,246	Telephone	(509) 624-4276
Signature	K. Satheesh	Date	October 9, 2003		

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.

SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

02/24/04 TUE 13:26 [TX/RX NO 5929] 005

Application Serial No. 09/866,088

REMARKS

Reconsideration is requested.

As a preliminary matter, Applicant acknowledges with appreciation the courtesy of an interview extended by Examiner Castellano on October 2, 2003. During the interview, differences between the claimed invention and the prior art references of record were discussed. Specifically, geometrical features and features related to alignment corner surface of a tray as recited in the claimed invention were discussed. Such claimed features were also demonstrated with reference to a model left with the Examiner. Although no agreement was reached, Examiner Castellano acknowledged that geometrical features and features related to alignment corner surfaces set forth positive limitations, and that further examination is required to determine patentability of the claimed invention.

In this response, claims 1, 17, 21, 26, and 33 have been amended, claim 32 has been cancelled, and new claims 34-36 have been added. Thus, claims 1-10, and 17-31, and 33-36 are pending in this application. New claims find support at least at page 8, paragraph 23, page 9, paragraph 24, and Figures 3, 7, and 10 of the present specification as originally filed.

The following additional arguments are provided in support of patentability of the claimed invention in addition to Applicant's arguments earlier submitted in a response filed on September 25, 2003.

Amended claim 1 recites, in part, a curved arc of the alignment corner surface is limited to each of the four corners on the inside surface thereof, and wherein an outer surface of the inclined lower section and the alignment corner surface cooperate to provide

Application Serial No. 09/866,088

a bifurcated alignment structure during trimming of the tray, and further wherein the outer surface of the inclined lower section cooperates, during a severing operation, with a female die member to provide a coarse alignment structure, and the alignment corner surface of the upper section cooperates with a complementary alignment surface of an alignment fixture on a male member to provide a fine alignment structure. The above-recited features are neither taught nor suggested by the prior art references of record. Claim 1 would not be obvious even if the teachings of Corelli are combined with the teachings of Ramirez, Huang, Balzar, Reskow, or Schubert.

Accordingly, Applicant submits that claim 1 is allowable over the references of record. As claims 2-5, 7-8, and 10 depend from claim 1, they too are allowable.

Amended claims 17, 21, and 26 further recite "...each alignment corner surface is formed in an indented rib section that is formed in the upper wall section of each of the side walls." None of the references of record teach or suggest such feature in addition to the other respective features of claim 17, 21, and 26. Accordingly, Applicant respectfully submits that claims 17, 21, 26, and their respective dependent claims are allowable.

Claim 33 recites "... each alignment corner surface in a horizontal plane includes an arcuate surface formed as a recessed section into the plurality of ribs, and wherein each alignment corner surface is formed in an indented rib section that is formed in the upper wall section of each of the side walls." None of the references of record teach or suggest such recited claim features of claim 33. Claim 33 is therefore allowable.

New claims 34 and 35 further define the geometrical features and alignment corner surface of the rectangular tray.

COPY

Application Serial No. 09/866,088

For example, claim 34 recites, in part, "...each alignment corner surface in a horizontal plane includes an arcuate surface formed as a recessed section into the plurality of ribs; wherein the recessed section is limited to an arcuate surface area formed by the corners of the side walls, an angle defined by the arcuate surface area being greater than 90 degrees and less than 180 degrees to produce an increased alignment surface area when compared to a right-angled corner surface; wherein a radius of the alignment corner surface is greater than a radius of a corner accompanying the alignment corner surface, wherein a curved arc radius sweep of the alignment corner surface is greater than a curved arc radius sweep of the corner accompanying the alignment corner surface, and a surface area of a frustoconical portion formed by the alignment corner surface is greater than a surface area of a frustoconical portion formed by the corner accompanying the alignment corner surface; and wherein an opening defined by the arcuate surface is specifically provided to receive an outwardly extending corner element of a complementary mating corner alignment fixture to maintain the tray accurately aligned at the corners as the tray is being trimmed from the thermal plastic expanded foam web.

None of the references of record teach or suggest the above-recited features of claim 34. Accordingly, claim 34 is allowable.

New claim 35 recites, in part, "...each alignment corner surface in a horizontal plane comprising a curved arc having an inside corner entrance opening defining an angle that is greater than 90 degrees and less than 180 degrees and specifically provided to receive an internal complementary mating corner alignment fixture to maintain the tray accurately aligned at the corners as the tray is being trimmed from the thermal plastic expanded foam

Application Serial No. 09/866,088

web, and each inclined corner surface in a vertical plane forming an obtuse angle with the bottom wall that is less than a corresponding obtuse angle formed between a corresponding lower wall section and the bottom wall, wherein an outer surface of the inclined lower section and the alignment corner surface cooperate to provide a bifurcated alignment structure during trimming of the tray, and further wherein the outer surface of the inclined lower section cooperates, during a severing operation, with a female die member to provide a coarse alignment structure, and the alignment corner surface of the upper section cooperates with a complementary alignment surface of an alignment fixture on a male member to provide a fine alignment structure, and wherein the alignment corner surface has a larger radius limited locally to the curved arc, and the alignment corner surface forming a steep angle in a vertical plane compared to the angle formed between a corresponding lower wall section and the bottom wall.

None of the references of record teach or suggest the above-recited features of claim 35. Accordingly, claim 35 is allowable.

New claim 36 is allowable at least for reasons set forth above with reference to claims 34 and 35. For example, claim 36 recites, in part, "...wherein the alignment corner surface has a larger radius that is limited locally to the arcuate surface when compared to a radius of a corner accompanying the alignment corner surface" None of the references of record teach or suggest such recited features in addition to the other features recited in claim 36. Accordingly, claim 36 is allowable.

COPY

Application Serial No. 09/866,088

CONCLUSION

For all the reasons advanced above, Applicant respectfully submits that the application is in condition for allowance, and action to that end is respectfully requested. If the Examiner's next anticipated action is to be anything other than a Notice of Allowance, the undersigned respectfully requests a telephone interview before issuance of any such subsequent action.

Respectfully submitted,

Dated: October 9, 2003By: K. Satheesh K.Satheesh K. Karra
Reg. No. 40,246**COPY**

S:\VRS\0231\008.000 127-2-11-2003

22

TOTAL P.10

02/24/04 TUE 13:26 [TX/RX NO 5929] 010